

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 114  
3 entitled “An act relating to improving prekindergarten through grade 12  
4 literacy within the State” respectfully reports that it has considered the same  
5 and recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Purpose \* \* \*

8 Sec. 1. PURPOSE

9 (a) The purpose of this act is to continue the ongoing work to improve  
10 literacy for all students in the State while recognizing that achieving this goal  
11 will require a multiyear and multidimensional effort requiring continued focus  
12 by the General Assembly, the Administration, and school leaders.

13 (b) The State has been awarded Elementary and Secondary School  
14 Emergency Relief (ESSER) funding under the American Rescue Plan Act of  
15 2021 Section 2001(f) to carry out, directly or through grants or contracts,  
16 activities to address learning loss by supporting the implementation of  
17 evidence-based interventions, such as summer learning or summer enrichment  
18 programs, extended day programs, comprehensive afterschool programs, or  
19 extended school year programs, and ensure that such interventions respond to  
20 students’ academic, social, and emotional needs and address the  
21 disproportionate impact of the coronavirus on at-risk student populations,

1 students experiencing homelessness, and children and youths in foster care,  
2 including by providing additional support to local educational agencies to fully  
3 address such impacts.

4 (c) The purpose of the technical support for supervisory unions under  
5 Sec. 3 of this act and the contractor support for the Agency of Education under  
6 Sec. 4 of this act is to carry out activities to address learning loss and improve  
7 literacy outcomes.

8 \* \* \* Findings \* \* \*

9 Sec. 2. FINDINGS

10 (a) Addressing literacy outcomes is a key strategy for the successful  
11 implementation of 2018 Acts and Resolves No. 173. The following findings  
12 from the report entitled “Expanding and Strengthening Best-Practice Supports  
13 for Students who Struggle” issued by the District Management Group in  
14 November 2017, which informed the development of Act 173, support the  
15 urgency to improve Vermont’s literacy outcomes relative to special education  
16 reform:

17 (1) “Investing in the effectiveness of core reading instruction is critical  
18 for students in general education and students with disabilities.”

19 (2) “Students with mild-to-moderate disabilities who struggle with  
20 reading may not be supported by teachers skilled in the teaching of reading.”

1           (3) “While some special education teachers across the supervisory  
2           unions had a strong background in the teaching of reading, others indicated  
3           that they did not have the training or background to be effective supporting  
4           students struggling in reading.”

5           (b) The following data indicate Vermont needs to improve its literacy  
6           outcomes at the early grades:

7           (1) Smarter Balanced Assessment Consortium results from 2016 to 2018  
8           indicate that only about 50 percent of students in grade three were proficient in  
9           English Language Arts in each of these years.

10           (2) From 2015 to 2019, Vermont’s average scale in grade four reading  
11           on the National Assessment of Educational Progress dropped every year from a  
12           high of 230 to a low score of 222.

13           (c) The COVID-19 emergency has adversely affected student academic and  
14           developmental progress. Failure to address literacy outcomes now could  
15           significantly impact student development for many years to come, since  
16           literacy is foundational to the success of each student.

17           (d) The General Assembly recognizes that improving literacy outcomes is a  
18           significant challenge for school systems and their constituencies, and that they  
19           will require time and assistance in making necessary changes.

1                   \* \* \* Assistance to Support Improved Literacy Outcomes \* \* \*

2           Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY

3                   OUTCOMES

4                   (a) In recognition that literacy proficiency is a foundational learning skill,

5                   the technical support provided in this section is designed to assist supervisory

6                   unions improve literacy outcomes as part of their implementation of 2018 Acts

7                   and Resolves No. 173.

8                   (b) The Agency of Education shall use the funding under Sec. 4(b) of this

9                   act to:

10                   (1) provide professional development learning modules for teachers in

11                   methods of teaching literacy in the five key areas of literacy instruction as

12                   identified by the National Reading Panel, which are phonics, phonemic

13                   awareness, vocabulary, fluency, and reading comprehension; and

14                   (2) assist supervisory unions in implementing evidence-based systems-

15                   wide literacy approaches that address learning loss due to the COVID-19

16                   pandemic.

17                   (c) The Agency of Education shall use the funding under Sec. 4(a) of this

18                   act to retain one or more contractors to provide the following technical

19                   assistance to supervisory unions:

20                   (1) recommend how federal funds can be used to implement 2018 Acts

21                   and Resolves No. 173 in the context of improving literacy outcomes;

1           (2) recommend evidence-based best practices in teaching literacy  
2           instruction to students in prekindergarten through grade 3;

3           (3) recommend how to provide professional development for teachers  
4           and school leaders in methods of teaching literacy; and

5           (4) recommend policies, procedures, and other methods to ensure that  
6           improvements in literacy outcomes are sustained.

7           \* \* \* Agency of Education; Literacy Staffing; Appropriations \* \* \*

8           Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

9           (a) There is appropriated to the Agency of Education from the American  
10           Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in  
11           fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or  
12           contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The  
13           Agency may shift the use of this funding from the contractor or contractors to a  
14           limited service position that would expire at the end of fiscal year 2024 within  
15           the Agency focused on coordinating the Statewide literacy efforts.

16           (b) The sum of \$3,060,000.00 is appropriated from the American Rescue  
17           Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the  
18           Agency of Education in fiscal year 2022 for providing professional  
19           development learning modules for teachers in methods of teaching literacy and  
20           assisting supervisory unions in implementing evidence-based systems-wide  
21           literacy approaches that address learning loss for fiscal years 2022, 2023, and

1 2024. The Agency of Education may set aside not more than two percent of  
2 the funds appropriated under this subsection to cover the costs of retaining and  
3 overseeing the work of the contractor.

4 \* \* \* Advisory Council on Literacy \* \* \*

5 Sec. 5. 16 V.S.A. § 2903a is added to read:

6 § 2903a. ADVISORY COUNCIL ON LITERACY

7 (a) Creation. There is created the Advisory Council on Literacy. The  
8 Council shall advise the Agency of Education, the State Board of Education,  
9 and the General Assembly on how to improve proficiency outcomes in literacy  
10 for students in prekindergarten through grade 12 and how to sustain those  
11 outcomes.

12 (b) Membership. The Council shall be composed of the following  
13 16 members:

14 (1) eight members who shall serve as ex officio members:

15 (A) the Secretary of Education or designee;

16 (B) a member of the Standards Board for Professional Educators who  
17 is knowledgeable in licensing requirements for teaching literacy, appointed by  
18 the Standards Board;

19 (C) the Executive Director of the Vermont Superintendents  
20 Association or designee;

1           (D) the Executive Director of the Vermont School Boards  
2           Association or designee;

3           (E) the Executive Director of the Vermont Council of Special  
4           Education Administrators or designee;

5           (F) the Executive Director of the Vermont Principals' Association or  
6           designee;

7           (G) the Executive Director of the Vermont Independent Schools  
8           Association or designee; and

9           (H) the Executive Director of the Vermont-National Education  
10          Association or designee; and

11          (2) eight members who shall serve two-year terms:

12           (A) a representative appointed by the Vermont Curriculum Leaders  
13           Association;

14           (B) three teachers appointed by the Vermont-National Education  
15           Association who teach literacy, one of whom shall be a special education  
16           literacy teacher and two of whom shall teach literacy to students in  
17           prekindergarten through grade three;

18           (C) three community members who have struggled with literacy  
19           proficiency or supported others who have struggled with literacy proficiency,  
20           one of whom shall be a high school student, appointed by the Agency of  
21           Education in consultation with the Vermont Family Network; and

1           (D) one member appointed by the Agency of Education who has  
2           expertise in working with students with dyslexia.

3           (c) Members with two-year terms.

4           (1) A member with a term limit shall serve a term of two years and until  
5           a successor is appointed. A term shall begin on January 1 of the year of  
6           appointment and run through December 31 of the last year of the term. Terms  
7           of these members shall be staggered so that not all terms expire at the same  
8           time.

9           (2) A vacancy created before the expiration of a term shall be filled in  
10          the same manner as the original appointment for the unexpired portion of the  
11          term.

12          (3) A member with a term limit shall not serve more than two  
13          consecutive terms. A member appointed to fill a vacancy created before the  
14          expiration of a term shall not be deemed to have served a term for the purpose  
15          of this subdivision.

16          (d) Powers and duties. The Council shall advise the Agency of Education,  
17          the State Board of Education, and the General Assembly on how to improve  
18          proficiency outcomes in literacy for students in prekindergarten through grade  
19          12 and how to sustain those outcomes and shall:

20               (1) advise the Agency of Education on how to:

21                   (A) update section 2903 of this title;

1           (B) implement the statewide literacy plan required by section 2903 of  
2           this title and whether, based on its implementation, changes should be made to  
3           the plan; and

4           (C) maintain the statewide literacy plan;

5           (2) advise the Agency of Education on what services the Agency should  
6           provide to school districts to support implementation of the plan and on  
7           staffing levels and resources needed at the Agency to support the statewide  
8           effort to improve literacy;

9           (3) develop a plan for collecting literacy-related data that informs:

10           (A) literacy instructional practices;

11           (B) teacher professional development in the field of literacy;

12           (C) what proficiencies and other skills should be measured through  
13           literacy assessments and how those literacy assessments are incorporated into  
14           local assessment plans; and

15           (D) how to identify school progress in achieving literacy outcomes,  
16           including closing literacy gaps for students from historically underserved  
17           populations;

18           (4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy  
19           instruction within the multitiered system of supports required under section  
20           2902 of this title to best improve and sustain literacy proficiency; and

1           (5) review literacy assessments and outcomes and provide ongoing  
2           advice as to how to continuously improve those outcomes and sustain that  
3           improvement.

4           (e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before  
5           December 15, the Council shall submit a written report to the House and  
6           Senate Committees on Education with its findings, any recommendations for  
7           legislative action, and progress toward outcomes identified in this section. The  
8           report shall contain an executive summary, which shall not exceed two pages.

9           (f) Meetings.

10           (1) The Secretary of Education shall call the first meeting of the Council  
11           to occur on or before August 1, 2021.

12           (2) The Council shall select a chair from among its members.

13           (3) A majority of the membership shall constitute a quorum.

14           (4) The Council shall meet not more than eight times per year.

15           (g) Assistance. The Council shall have the administrative, technical, and  
16           legal assistance of the Agency of Education.

17           (h) Compensation and reimbursement. Members of the Council shall be  
18           entitled to per diem compensation and reimbursement of expenses as permitted  
19           under 32 V.S.A. § 1010 for not more than eight meetings of the Council per  
20           year.

1       Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

2           The sum of \$24,000.00 is appropriated from the American Rescue Plan Act  
3           of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022  
4           to the Agency of Education for per diem and reimbursement of expenses for  
5           members of the Advisory Council on Literacy created under Sec. 5 of this act  
6           for fiscal years 2022, 2023, and 2024.

7       Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

8           16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is  
9           repealed on June 30, 2024.

10      Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON  
11           LITERACY

12           (a) The Advisory Council on Literacy, created in Sec. 5 of this act, is  
13           established on August 1, 2021.

14           (b) Members of the Council shall be appointed on or before August 1, 2021  
15           and, for members with a term limit, their service on the Council from the date  
16           of appointment through December 31, 2021 shall not be counted toward their  
17           term limit.

18           (c)(1) In order to stagger the terms of the members of the Council, the  
19           initial terms of the following members shall be for one year:

20                   (A) two of the teachers appointed under subdivision (b)(2)(B) of Sec.  
21           5 of this act; and

1           (B) two of the community members appointed under subdivision  
2           (b)(2)(C) of Sec. 5 of this act.

3           (2) After the expiration of the initial term set forth in subdivision (1) of  
4           this subsection, Council member terms shall be as set forth in 16 V.S.A.  
5           § 2903a(c) in Sec. 5 of this act.

6                           \* \* \* Review of Teacher Preparation Programs \* \* \*

7           Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

8           (a) On or before October 1, 2022, the Agency of Education, in  
9           collaboration with the Standards Board for Professional Educators, shall  
10           review:

11           (1) teacher preparation programs to assess to what extent these programs  
12           prepare teacher candidates to use “evidence-based literacy instruction”; and

13           (2) licensing and re-licensing criteria as it pertains to literacy instruction.

14           (b) As used in this section, “evidence-based literacy instruction” means  
15           reading, writing, and spelling instruction that is supported by high-quality  
16           research that meets rigorous standards and is proven to translate effectively to  
17           classroom practices.

18                           \* \* \* Agency of Education Reports \* \* \*

19           Sec. 10. AGENCY OF EDUCATION; REPORTS

20           On or before December 15 of each of 2021, 2022, and 2023, the Agency of  
21           Education shall report to the General Assembly the statewide progress in

1 achieving the purpose of this act, which is to improve literacy outcomes for all  
2 students in the State.

3 \* \* \* Census-based Funding Advisory Group \* \* \*

4 Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding  
5 Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is  
6 further amended to read:

7 Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

8 \* \* \*

9 (e) Meetings.

10 \* \* \*

11 (4) The Advisory Group shall cease to exist on June 30, 2023.

12 (f) Reports. On or before January 15, 2019, the Advisory Group shall  
13 submit a written report to the House and Senate Committees on Education and  
14 the State Board of Education with its findings and recommendations on the  
15 development of proposed rules to implement this act and any recommendations  
16 for legislation. On or before January 15 of 2020, 2021, ~~and 2022,~~ and 2023,  
17 the Advisory Group shall submit a supplemental written report to the House  
18 and Senate Committees on Education and the State Board of Education with a  
19 status of implementation under this act and any recommendations for  
20 legislation.

1 (g) Reimbursement. Members of the Advisory Group who are not  
2 employees of the State of Vermont and who are not otherwise compensated or  
3 reimbursed for their attendance shall be entitled to per diem compensation and  
4 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more  
5 than eight meetings per year in fiscal years 2019 and 2020 and not more than  
6 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

7 (h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year  
8 2018 from the General Fund to the Agency of Education to provide funding for  
9 per diem compensation and reimbursement under subsection (g) of this section.  
10 The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General  
11 Fund to the Agency of Education to provide funding for per diem  
12 compensation and reimbursement under subsection (g) of this section. ~~The~~  
13 ~~Agency shall include in its budget request to the General Assembly for each of~~  
14 ~~fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per~~  
15 ~~diem compensation and reimbursement under subsection (g) of this section.~~

16 \* \* \* Effective Date \* \* \*

17 Sec. 12. EFFECTIVE DATE

18 This act shall take effect on passage.

1 (Committee vote: \_\_\_\_\_)

2

\_\_\_\_\_

3

Representative \_\_\_\_\_

4

FOR THE COMMITTEE